

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Allerdings Grazing Transfer**

Determination of NEPA Adequacy  
DOI-BLM-MT-C020-2013-0011-DNA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM



DATE POSTED: October 22, 2012

DATE DUE: November 5, 2012

**Worksheet**  
**Documentation of NEPA Adequacy (DNA)**

U.S. Department of the Interior  
Bureau of Land Management (BLM)

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**BLM Office:** Miles City

**NEPA Number:** DOI-BLM-MT-C020-2013-0011-DNA

**Case File/Project No:** GR 2502706

**Proposed Action Title/Type:** Issuance of Grazing Permit

**Location/Legal Description**

T. 6 N., R. 58 E., Section 35 LU Land  
Fallon County (See map at end of the document)

**A: Description of the Proposed Action:** The proposed action is to ensure the allotment continues to meet the Land Health Standards and issue a transfer of grazing preference from Allerdings Ranch Inc. MF to the current applicant Allerdings Ranch Inc. The applicant provided a warranty deed showing control of the base property for the Allerdings Allotment. The permit would be issued for ten years (March 1, 2013 through February 28, 2023). No changes would be made to the existing grazing schedule, grazing preference, kind of livestock, percent public land, or type of use. The terms and conditions would state that he may graze 80 cattle from 07/01 to 08/24. The permit would be issued as follows:

Gr. 2502706

Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Allerdings	66	Cattle	6/15	08/24	100	Active	154

Total Active AUMs: 154

**Terms and Conditions:**

The permittee may graze 80 cattle from 07/01 – 08/24

Grazing use is authorized with your normal livestock operation.

Grazing fees must be paid prior to turnout.

Livestock numbers and season of use cannot exceed public land AUMs.

**Applicant:** Allerdings Ranch Inc.

**County:** Fallon

**DNA Originator:** Josh Halpin

**B. Land Use Plan (LUP) Conformance**

LUP Name\* Big Dry RMP EIS Date Approved 1996

Other document\*\* Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota and South Dakota ROD Date Approved 1997

Other document\*\* DOI-BLM-MT-C020-2011-0245-EA Date Approved 9/1/2011

Other document\*\* \_\_\_\_\_ Date Approved

*\*List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions)

This proposed action is in conformance with the Big Dry RMP ROD approved in 1996, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 12 "Terms and conditions are a tool to achieve resource conditions in the standard". The Big Dry RMP ROD (page 11) recognizes livestock grazing within the preferred alternative of the final EIS.

**C. Identify applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.**

Big Dry RMP ROD signed 1996; Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997; Allotments 01204 Permit mod 2011 EA MT-020-2011-0245-EA approved 9/1/2011.

List by name and date all applicable NEPA documents that cover the proposed action.

Big Dry RMP EIS Date Approved\_1996

DOI-BLM-MT-C020-2011-0245-EA Date Approved 9/1/2011

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation and monitoring report).

S&G EA MT-020-99-176.

Cultural Report MT-020-13-38

**D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?** Yes. The proposed action is essentially the same alternative analyzed in the previous documents except a change to the terms and conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values? Yes. The alternatives in the existing Environmental Assessment analyzed the effects of livestock grazing. These alternatives were determined to be appropriate for the current proposed action.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action? Yes, no new information has been obtained since the original transfer EA was signed in September of 2011.

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document? Yes. The direct and indirect impact of the current proposed action is unchanged from the existing Environmental Assessment. The current proposed action is an administrative name change and the number of livestock and season of use is remaining unchanged. The original EA analyzed the site-specific impacts livestock grazing would have on the allotment. Since the livestock grazing is not changing on the allotment, the original EA is sufficient for site-specific impacts.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes. The public involvement and interagency review associated with the existing Environmental Assessment is adequate for the current proposed action per agency requirements. The NEPA log is available on the Miles City Field Office web page for public access.

**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Represented</u>	<u>Date</u>
Kent Undlin	Wildlife Biologist	Wildlife	11/14/12 KU
Reyer Rens	Supv Range Mgt Spec	Review	RR 11/20/2012
Doug Melton	Archeologist	Cultural/Paleo	11/11/12 DM Cultural Report MT-020-13-38

**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

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Environmental Coordinator

11/20/2012  
Date

## CONCLUSION

- ☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation in *DOI-BLM-MT-C020-2011-0245* fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

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Todd D. Yeager  
Field Manager  
Miles City Field Office

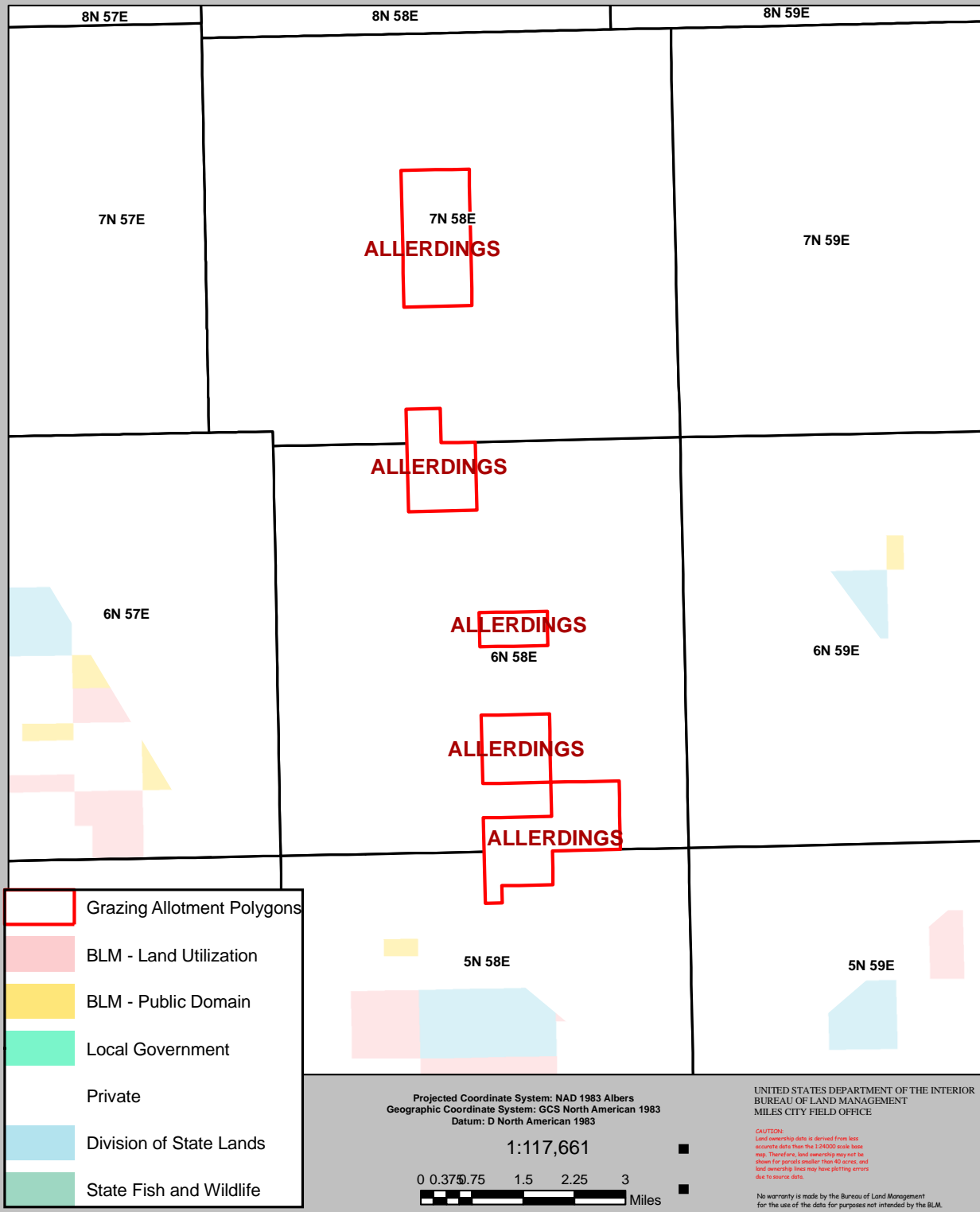
11/20/2012

Date



# Allotment: Allerdings No. 01204

10/22/2012





# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

[www.blm.gov/mt](http://www.blm.gov/mt)

In Reply Refer To:  
4100(MTC021)  
GR# 2502706

January 18, 2013

Allerdings Ranch Inc.  
C/O Allen Allerdings  
186 Sunny Bank Road  
Plevna, MT 59344

Certified Mail No: 7011 3500 0003 4515 9600  
Return Receipt Requested

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The Allerdings Allotment No. 01204 is located approximately 13 miles south of Baker, Montana in Fallon County. The Allerdings Allotment No. 01204 consists of 640 acres of public domain containing 154 AUMs of active use. The allotment was determined to be meeting the Standards and Guidelines for Rangeland Health in 2000.

In September 2012, Allerdings Ranch Inc. submitted a Grazing Application (Form 4130-1b), Assignment of Range of Improvements (Form 4120-8), Grazing Schedule (Form 4130-1), and a Grazing Preference Application (Form 4130-1a) to the Miles City Field Office, to transfer Allerdings Ranch, Inc., MF to Allerdings Ranch, Inc.

In September 2012, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-C020-2012-0011-DNA) to analyze the transfer and issuance of a grazing permit for the Allerdings Allotment No. 01204 from Allerdings Ranch, Inc., M.F. to Allerdings Ranch, Inc. The authorized officer signed the Documentation of NEPA Adequacy on November 20, 2012.

### PROPOSED DECISION

Therefore, it is my proposed decision is to issue a transfer of grazing preference from Allerdings Ranch Inc. M.F. to the current applicant Allerdings Ranch Inc. and ensure the allotment continues to meet the Land Health Standards. The applicant provided a warranty deed showing control of the base property for the Allerdings Allotment No. 01204. The permit would be issued for ten years (March 1, 2013 through February 28, 2023). No changes would be made to the existing grazing schedule, grazing preference, kind of livestock, percent public land, or type of use. The terms and conditions would state that he may graze 80 cattle from 07/01 to 08/24. The permit would be issued as follows:

Gr. 2502706

Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Allerdings	66	Cattle	6/15	08/24	100	Active	154

Total Active AUMs: 154

### Terms and Conditions:

The permittee may graze 80 cattle from 07/01 – 08/24. Grazing use is authorized with your normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMs.

## **RATIONALE**

The issuance of the grazing permit is provided through proper documentation showing control of the base property being submitted to the BLM. The documentation contains the legal descriptions of the recognized base property for the Allerdings Allotment No. 01204 and was determined to be appropriate by the authorized officer.

Upon receiving all form, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-C020-2012-0011-DNA) to analyze the transfer and issuance of a grazing permit for the Allerdings Allotment No. 01204 from Allerdings Ranch Inc., M.F. to Allerdings Ranch, Inc. The authorized officer signed the Documentation of NEPA Adequacy on November 20, 2012.

The BLM determined that Allerdings Ranch Inc. meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

## **AUTHORITY**

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/im\\_attachments/2007.Par.69047.File.dat/IM2007-137\\_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf)

**§4110.1 Mandatory qualifications**

**§4110.2-1 Base property.**

**§4110.2-2 Specifying permitted use.**

**§4130.2 Grazing permits or leases**

**§4120.3–2 Cooperative range improvement agreements.**

**§4130.3 Terms and conditions**

**§4130.3-1 Mandatory terms and conditions**

**§4130.3-2 Other terms and conditions**

**§4130.3-3 Modification of permits and leases**

**§4160.1 Proposed decisions**

**§4160.2 Protests**

**§4160.3 Final decisions**

**§4160.4 Appeals**

## **RIGHT OF PROTEST AND APPEAL**

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager  
Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice (43 CFR 4160.3(a)).

**Appeal:**

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 (and 43 CFR 4.471), pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

**ENCLOSURES FOR REPLY**

Find enclosed two (2) copies of your grazing permit. Please sign both copies and return them to the Miles City Field Office. Once signed by the authorized officer, you will be provided with a signed copy for your records.

If you have any questions on this document, please contact Josh Halpin, Rangeland Management Specialist at (406) 233-3168.

Sincerely,



Todd D. Yeager  
Field Manager

Enclosed:

BLM Grazing Permit (two copies)

(Please sign and return to the Miles City Field Office)

Halpin:mmg:1/8/13:Allerdings\_Decision\_Halpin\_2012